

Remarks

In the Office Action mailed December 8, 2004, the Examiner has required that Applicants elect a single disclosed species of absorbent material, a single disclosed species of performance-enhancing active, a single disclosed species of the dispersal of the active, and a single disclosed species of core for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. The Examiner has deemed claim 1 to be generic.

In response to the Office Action mailed December 8, 2004, Applicants elect to prosecute the mixture of bentonite and expanded perlite as the absorbent material; activated carbon as the performance-enhancing active; and homogeneously dispersed as the dispersal. No separate species of core has been elected because Applicants' original claim 1, deemed to be generic by the Examiner in the above-mentioned Office Action, did not include the limitation of a core material.

To clarify the record, Applicants respectfully disagree with the statement made by the Examiner in the April 21, 2005 Office Action that "expanded perlite has not been disclosed as a performance enhancing active in the specification." Applicants respectfully submit that expanded perlite is disclosed as a performance enhancing active in ¶s 45, 46, 60 and Table 1 of Applicants' specification. Specifically, "the core [material] can also be considered an active" (see [0060] of Applicants' specification).

Original claims 1, 2, 7, 8, 13-20, 38-74, 80 and 81 read on the elected species. New claims 84-95 have been added and read on the species elected for examination on the merits. Claims 76-79, 82 and 83 have been canceled without prejudice as being drawn to a non-elected invention.

Applicants respectfully submit that no new matter has been added by way of these amendments to the claims. Support for new claim 84 can be found in [0027], [0028], [0031] FIG.1 (104), [0041], [0045], [0060], and [0072] FIG. 3 of Applicants' specification. Support for new claim 85 can be found in [0028] and [0051]-[0059] of Applicants' specification. Support for new claims 86 and 87 can be found in [0054] of Applicants' specification. Support for new claim 88 can be found in [0115] of Applicants' specification. Support for new claims 89 and 90 can be found in [0073] of

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Applicants' specification. Support for new claims 91 and 92 can be found in [0113] of

Applicants' specification. Support for new claim 93 can be found in [0149] of

Applicants' specification and original claim 39. Support for new claim 94 can be found
in original claim 66.

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Conclusion

If it is believed that a telephone conversation would expedite the prosecution of the present application, or clarify matters with regard to its allowance, the Examiner is invited to call the undersigned attorney at (510) 271-3136.

Respectfully submitted,

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